

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAY 08 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CONSTANTINOS TSAMBASIS,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-72630

Agency No. A78-058-008

ORDER

Before: D.W. NELSON, KLEINFELD, and HAWKINS, Circuit Judges.

Page 3 of the Memorandum disposition filed on February 25, 2008 is amended
as follows:

The BIA did not fail to address Tsambasis's CAT claim. The BIA adopted the IJ opinion, which states, "After full consideration of the facts in this case, the Court cannot say that it is more likely than not that such a treatment would be visited upon the respondent were he to return to Canada." Since the IJ "considered all the evidence," which included documentary evidence, this conclusory statement rejecting the CAT claim is sufficient. See Almaghar v. Gonzales, 457 F.3d 915, 922 (9th Cir. 2006).

Finally, we lack jurisdiction to review the denial of voluntary departure because the BIA denied voluntary departure as a matter of discretion. INA §§ 240B(f), 242(a)(2)(B)(I).

PETITION DENIED.

With these amendments, the panel has voted to deny Petitioner's Petition for Panel Rehearing. Petition for Panel Rehearing **DENIED**. No further petitions for rehearing will be considered.